

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID McKINNEY, individually,
ANITA McKINNEY, individually, h/w,

Plaintiffs,

v.

PAUL J. MELINARI, individually, and
FINANCIAL SERVICE VEHICLE TRUST,
a foreign corporation,

Defendants.

C.A. NO. 06C-208-SLR

**MOTION TO MODIFY THE SCHEDULING ORDER BY
EXTENDING SUMMARY JUDGMENT DEADLINES**

Plaintiffs hereby move this Honorable Court to modify the Scheduling Order by extending the discovery and summary judgment deadlines as follows:

1. Plaintiffs filed their Complaint on March 30, 2006 and this is an action arising out of an auto accident.

2. The Court issued a Scheduling Order on August 4th, 2006, stating that:

a.) Discovery will be commenced in the time to be completed by February 1, 2007;

b) Summary Judgment Deadlines shall be served and filed as follows:

i) opening brief on or before March 1, 2007. . .

3. The grounds for this Motion are, first, that Plaintiff, Anita McKinney was forced to undergo emergency surgery for a cancerous condition on two separate

occasions, which was unrelated to the instant matter, and her accident-related treatment was put on hold while she was treated for the unrelated condition; and secondly, treatment has been continuing and there is evidence that Plaintiff, David McKinney, may need surgery in the foreseeable future.

4. The previous motion on this issue is now moot and the parties understand through Chief Judge Robinson's directive that trial in this matter will be rescheduled.

5. Plaintiffs now respectfully request that the Court issue a Modified Scheduling Order as follows:

- | | | |
|----|--|---------|
| a) | All discovery shall be commenced in time to be | |
| | completed by: | 6/29/07 |
| b) | Opening Brief on Summary Judgment | 8/6/07 |
| c) | Answering Brief on Summary Judgment | 8/20/07 |
| d) | Reply Brief on Summary Judgment | 8/27/07 |

Trial will be scheduled after the Court considers the summary judgment motions.

6. Plaintiffs' counsel has conferred with defense counsel who has no objection to this Motion. Further, counsel have conferred and agreed to the above summary judgment deadlines in compliance with the Court's directive.

WHEREFORE, Counsel for Plaintiffs respectfully requests an extension of summary judgment deadlines in this matter, as set out herein.

DAVID P. CLINE, P.A.

**BY: /s/ David P. Cline
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Attorney for Plaintiffs**

Dated: April 10, 2007

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DAVID McKINNEY, individually,
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C.A. NO. 06C-208-SLR

ORDER

This _____ day of _____, 2007, wherein the
foregoing Motion to Modify The Scheduling Order and Extending Summary
Judgment Deadlines having been presented and considered; and

NOW THEREFORE, IT IS ORDERED, that:

Plaintiffs, having requested an extension of time in which to serve and
answer discovery and extend the summary judgment deadlines, it is hereby
GRANTED.

IT IS FURTHER ORDERED, that:

The trial in this matter scheduled for September 10, 2007 is postponed and
will be rescheduled after the summary judgment motions are considered by the
Court.

J.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID McKINNEY, individually,)	
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)	
Plaintiffs,)	
)	C.A. NO. 06C-208-SLR
)	
v.)	
)	
)	
PAUL J. MELINARI, individually, and)	
FINANCIAL SERVICE VEHICLE TRUST,)	
a foreign corporation,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I, David P. Cline, hereby certify that on April 10, 2007, I electronically filed a Motion to Modify The Scheduling Order And Extending Summary Judgment Deadlines with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Michael A. Pedicone, Esquire (No. 2424)
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Attorney for Defendants

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DATED: 4/10/07